IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.6180 OF 2005

Shri Vijay Sadashiv Kulkarni : Petitioner

V/s.

Shri Baburao Lakhu alias Laxman Salukhe & Ors. : Respondents

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Mr.M.A. Khan for Mr.R.R. Kalekar for the petitioner.

Mr.Tejesh D. Deshmukh for the respondent no.1.

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CORAM : S.A. BOBDE, J.

October 3, 2005.

P.C.:

1. Admittedly, Regular Civil Suit no.4/1997 is pending in Satara Court in respect of the suit land. In view of the settled position in law that neither title nor possession can be affected in pursuance of the entries made in the Record of Rights, I see no reason to interfere. The learned counsel for the petitioner expresses an apprehension that the respondents may encroach on the basis of the revenue entry. If that is so, the petitioner shall be advised to resort to an appropriate application in the pending civil suit or file another civil suit as, may be advised. The parties shall be at liberty to apply

for mutation depending on the results of the decision of the civil Court.

2. In the circumstances, the petitioner seeks permission to withdraw this petition. Allowed to withdraw with the above observations.

Sd/-

S.A. BOBDE, J.